

**CITY OF LOGAN, UTAH
ORDINANCE NO. 13-19**

**AN ORDINANCE AMENDING SECTION 10.52.285(C) TITLE 10 OF THE
LOGAN MUNICIPAL CODE REGARDING REGULATION OF PRIVATE
BOOTING PRACTICES AMENDING SIGN PLACEMENT REQUIREMENTS**

WHEREAS, the state legislature has granted power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants; and,

WHEREAS, the City Council has determined that the following ordinance is in the City's best interest,

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH, AS FOLLOWS:

SECTION 1:

10.52.285: REGULATION OF PRIVATE BOOTING PRACTICES:

A. Definitions:

BOOT: Any immobilization device.

BOOTING: To place any immobilization device upon a motor vehicle not registered to the person placing the immobilization device for purposes of parking enforcement.

B. Exceptions: This section shall not apply to any parking regulations as established by a college or university pursuant to title 53B, chapter 3, Utah Code Annotated.

C. Booting Of Vehicles On Private Property: It shall be unlawful for any property owner or designee to boot any motor vehicle that is trespassing or infringing upon the real property rights of that property owner without complying with this section.

1. Private parking lots which contain four (4) or more parking spaces and which use booting of vehicles for parking enforcement shall comply with the following requirements:

a. Signage: At a minimum, signage shall:

(1) Provide sufficient information to inform vehicle owners of parking requirements and restrictions and to assist vehicle owners in the prompt recovery of any vehicle booted;

(2) Be at least twelve inches by eighteen inches (12" x 18") in size and have a reflective background;

(3) Be placed in compliance with one of the following alternatives:

i. for parking lots with entrance widths of twenty-four feet (24') or less, within eight feet (8') of all entrances to the parking lot and be clearly readable from the entrances; ~~or be placed~~

ii. between each individual parking stall and be clearly readable upon entering the parking stall; ~~or~~

iii. if the entrance to the parking lot exceeds twenty-four feet (24'), or if there is no designated entrance, at intervals or locations approved by the City of Logan designed to give reasonable notice to a person entering the parking lot.

b. Identification: Persons involved in booting shall:

(1) Wear either a readily identifiable shirt, blouse or other top article of clothing with the name of the licensee and the first name of the employee contained thereon and readable from a distance of six feet (6') or a prominently visible identification badge on the front of his or her clothing with the name of the licensee and the first name of the employee contained thereon and readable from a distance of six feet (6').

(2) Have in their possession on the site where the vehicle is immobilized either a copy of the current valid written contract with the property owner authorizing the immobilization or impounding of vehicles parked upon the property without permission or a statement of authorization from the property owner. The agreement shall be shown upon demand by a city official or the person redeeming the vehicle.

c. Operational Restrictions: Persons involved in booting shall not:

(1) Place an immobilization device on a vehicle without placing a notice on the driver's door window using words and/or symbols that reasonably inform the driver that the vehicle has been immobilized.

(2) Place the immobilization device on the vehicle if the owner arrives prior to the placement of the immobilization device.

(3) Place the immobilization device on the passenger side of the vehicle, unless it is not reasonably possible to place said device on the driver side.

2. After a boot is placed on any vehicle, the parking enforcement company shall:

a. Provide a notice affixed to the boot or vehicle containing the name and telephone number of the firm that placed the boot on the vehicle, as well as the amount of the fee required to remove the boot;

b. Maintain personnel authorized to remove any boot and release any vehicle to its owner or driver upon the payment of any authorized fee except as provided in subsection D3 of this section;

c. Accept a charge placed upon valid major credit or debit cards as payment for the fee if the person who is redeeming the vehicle prefers to pay with a card instead of cash;

d. Once payment is made, offer to provide a receipt to the individual making payment for removal of the boot.

D. License Requirements; Fees: Any parking enforcement company desiring to boot vehicles within Logan City shall comply with and is subject to the following requirements:

1. Obtain a business license in the city of Logan; and register its business name, telephone number, either an address or a P.O. box number, and fee schedules with Logan City. In the event of a change in business name, telephone number, address or P.O. box number, or fee schedules, such company shall register such information with the Logan City business license department within ten (10) days.

2. A parking enforcement company shall not charge a fee in excess of any fee listed in the fee schedule for booting a vehicle.

3. The maximum authorized fee for removing a boot(s) from a vehicle shall not exceed the amount set by state law.

4. Company employees involved in the practice of booting shall not have criminal convictions of or have current pending charges for: a) felony homicide; b) physically abusing, sexually abusing, or exploiting a minor; c) the sale or distribution of a controlled substance; or d) sexual assault of any kind. In addition, said employees shall not have been convicted of any crime within the past ten (10) years involving moral turpitude or violent or aggravated conduct against persons or property.

5. Charges for damages to booting equipment shall not be governed by this section and shall not prevent the vehicle's release if scheduled fees are satisfied.

6. Failure to comply with any provision of this section shall constitute grounds for suspension or revocation of the business license of any company licensed under this section to conduct parking enforcement service in Logan City.

E. Private Parking Enforcement: Landlords who engage a private parking enforcement company to boot illegally parked vehicles on their property shall inform their tenants of the booting practice and make available instructions on how to comply with the law.

1. When parking permits are used, a parking permit shall be provided to each tenant with instructions as to where that permit should be displayed in the automobile;

2. Tenants shall be provided with a written schedule of fees charged by the parking enforcement company;

3. Tenants shall be provided with instructions regarding visitor parking or will be informed if no visitor parking is available;

4. Tenants shall be provided with a method for replacing a lost permit; landlords/managers may charge a fee for such replacement; the replacement fee must be made known to tenants at the time they receive their parking permits.

F. Violation: Violation of any provision of this section is a class B misdemeanor.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS
____ DAY OF April, 2013.

AYES:

NAYS:

ABSENT:

/s/ Holly Daines, Chair

ATTEST:

/s/ Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this _____ day of April, 2013.

/s/ Holly Daines, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this _____ day of April, 2013.

/s/ Randy Watts, Mayor